

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1 and 2 remain in this case. No claim is amended.

The provisional obviousness-type double patenting rejections of claims 1 and 2 is again noted. Upon allowance of either this case or the copending application S.N. 10/017,777 upon which the rejection is based, and assuming that the double patenting rejection is still appropriate (depending on the claims in the respective applications at that time), Applicants will then consider a terminal disclaimer to obviate the basis of the rejection.

Claims 1 and 2 were finally rejected under §103 as unpatentable over the Laurenti et al. patent¹ in view of the Guerra et al. reference².

Applicants maintain their arguments as presented in their Amendment of December 23, 2004. However, Applicants respectfully wish to address the response of the Examiner to those arguments, as made, to ensure that the issues are clearly and fairly raised prior to undertaking the appeal of this case.

In the Office Action of April 19, 2005, the Examiner acknowledged Applicants' position that "[t]he combined teaching of the Laurenti et al. patent and the Guerra et al. reference fall short of the requirement of claim 1"³; this is a fair statement of Applicants' position. However, the Examiner's response to Applicants' argument was directed to a mischaracterization of that position. The Examiner mentions "applicant's argument that there is no suggestion to combine

¹ U.S. Patent No. 6,658,578 B1, issued December 2, 2003 to Laurenti et al., and commonly assigned with this application. The European counterpart of this patent was published on April 12, 2000, as European Patent Application Publication No. EP 0992 916 A1, and as such the contents of the European counterpart are available as prior art under §102(b) and §103.

² Guerra et al., "Cycle and Phase Accurate DSP Modeling and Integration for HW/SW Co-Verification", *ACM* (June, 1999), pp. 964-69.

³ Office Action of April 19, 2005, page 3, §15 (see the "bullet" point).

the references"⁴, and then poses reasons why such suggestion is present. This was not Applicants' position. Applicants' position was and is that, even if one combines the applied references, those combined teachings fall short of the claims.⁵ The Examiner did not address this position in the Office Action of April 19, 2005.

Also in the Office Action of April 19, 2005, the Examiner states that Applicants argued that the Guerra et al. reference is nonanalogous art.⁶ Applicants argued no such thing in the Amendment of December 23, 2005. As discussed above, Applicants instead asserted, and still do assert, that the Guerra et al. reference fails to disclose the recited claim steps of determining whether a valid effective address is available for an instruction in a pipeline, based on a calculated current effective address delay for the instruction as required by the claim, and of computing the effective address of an instruction responsive to determining that a valid effective address is not available. Nor does the Examiner yet apply the Guerra et al. reference against these claim steps. Instead, the Examiner characterizes the claimed method, and examines that characterization.

The undersigned presents these points, in this paper, in the hope that they further clarify Applicants' previous arguments, and thus clarify the reasons that the §103 rejection (now final) of claims 1 and 2 in this case is in error and should be withdrawn. This hope arises because it appears, from the Office Action of April 19, 2005, that Applicants' previous arguments may not have been completely or accurately understood.

The undersigned welcomes a telephone interview with the Examiner, if the Patent and Trademark Office considers that such an interview would be helpful in advancing the prosecution of this application.

A Notice of Appeal is filed with this paper.

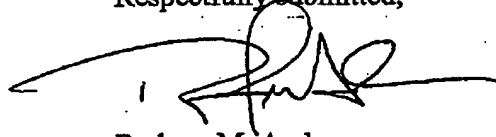
⁴ *Id.*, see the paragraph beginning "Examiner's Response:".

⁵ See Amendment of December 23, 2004, from the first full paragraph of page 7 and through the carryover paragraph from page 7 to page 8.

⁶ Office Action of April 19, 2005, p. 4, see the paragraph beginning "Examiner's Response:".

For these reasons, Applicants respectfully submit that the claims now in this case are in condition for allowance. Reconsideration of this application is respectfully requested.

Respectfully submitted,



Rodney M. Anderson

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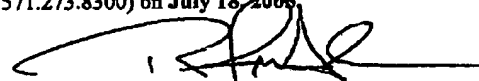
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37 C.F.R. 1.8

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax Number 571.273.8300) on July 18, 2005.



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